

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BERISH BERGER, KILBRIDE
INVESTMENTS LIMITED, BUSYSTORE
LIMITED IN LIQUIDATION,
TOWERSTATES LIMITED, BERGFELD
CO. LIMITED and ARDENLINK LIMITED,

Plaintiffs,

v.

CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC., BLANK ROME
LLP and COZEN O'CONNOR, P.C.,

Defendants.

Civil Action No.: 2:13-cv-05195

CUSHMAN & WAKEFIELD OF
PENNSYLVANIA, INC.,

Third-Party Plaintiff,

v.

CHAIM ZEV LEIFER, HESKEL KISH, and
JFK BLVD. ACQUISITION G.P., LLC,

Third-Party Defendants.

**RESPONSE OF BLANK ROME LLP TO PLAINTIFFS' MOTION TO DISMISS
COZEN O'CONNOR, P.C., AND THE REPLIES OF COZEN
AND CUSHMAN & WAKEFIELD TO THAT MOTION**

Blank Rome agrees with the dismissal of Cozen O'Connor, P.C., and the entry of the order as a Rule 54(b) Order. Moreover, as reflected in the case of its own settlement documents. Blank Rome has no objection to the Cushman & Wakefield request that Cozen be listed on the verdict sheet if the Cushman & Wakefield case goes to trial, with a potential set-off of the amount of the Cozen settlement against any verdict against Cushman.

Blank Rome will not lengthen the debate over whether that result follows from an application of the Pennsylvania joint tortfeasor rules or is simply a reflection of the rule that a plaintiff is entitled to be made whole for the amount of an indivisible injury, but is not entitled to be made more than whole for that injury.

Respectfully Submitted,

/s/John G. Harkins, Jr.

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Attorneys for Defendant,

Blank Rome LLP

Dated: June 14, 2019

CERTIFICATE OF SERVICE

I, John G. Harkins, Jr., hereby certify that on this 14th day of June, 2019, I caused a true and correct copy Blank Rome LLP's Response to Plaintiffs' Motion to Dismiss Cozen O'Connor, P.C., And The Replies Of Cozen O'Connor, P.C. and Cushman & Wakefield to that Motion, to be served upon the following parties via ECF and electronic mail addressed to:

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I also certify that a copy of the foregoing was served on the following
unrepresented parties via first class mail:

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/s/ John G. Harkins, Jr.

John G. Harkins, Jr.